

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1223 OF 2004

The State of Maharashtra ..Appellant
Vs.
Laxman Bira Janakar ..Respondent

Mr.R.M. Pethe, APP for the Appellant-State.

None for the Respondent.

CORAM : C.V. BHADANG, J.

DATE : 27 OCTOBER 2021

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SANTOSH
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JUDGMENT :

. This is an appeal by the State, challenging the judgment and order dated 19 December 2003 passed by the learned Judicial Magistrate First Class at Jath, District-Sangli in Regular Criminal Case No.106 of 2001. By the impugned judgment the respondent-accused has been acquitted of the offence punishable under Section 39 and 44 of the Indian Electricity Act, 1910.

2. According to the prosecution the respondent-accused who was running a floor mill in the house owned by one Zanu Yashwant Galande at Village-Ankli, Taluka-Jath, had

unauthorizedly obtained a connection from the Distribution Box of the State Electricity Board. The connection was obtained by using a 150 feet long electric wire. The offence came to be registered on the basis of a complaint lodged by Shashikant Tankasale on 6 June 2001.

3. At the trial the prosecution examined the panch Bhimarao Shripati Dudhal PW-1, the wireman Rajaram Bhika Kolekar PW-2 and another wireman Malappa Mahadev Handikode PW-3 and produced the panchnamma dated 7 June 2001 which is at Exhibit-16.

4. I have heard learned Additional Public Prosecutor. None appears for the respondent.

5. The record discloses that PW-1 Bhimarao Shripati Dudhal and PW-3 Malappa Handikode did not support the prosecution, as a result of which the panchnama dated 7 June 2001 could not be said to be proved on record. PW-2 Rajaram Bhika Kolekar admitted that Malappa Handikode PW-3 was the wireman at Village-Ankli where the floor mill of the respondent-accused was situated. PW-2 states that he along with Mr.Tankasale, Mr.Handikode, Mr.Mane and Mr.Shirke had visited the spot on the basis of a secret information and seized the wire by which the alleged illegal and unauthorized connection was obtained from the

Distribution Box. What is significant is that Handikode who was working at Village-Ankli had not supported the prosecution. It was suggested to the prosecution witness PW-2 that the floor mill of the respondent-accused was operating on a diesel engine. PW-2 claimed ignorance on the said aspect. He admitted that wire could also be used for a T.V. connection.

6. I have gone through impugned judgment and the same does not suffer from any infirmity. The view taken by the learned Magistrate is a plausible view and no interference is called for in an appeal against acquittal. The Criminal Appeal is accordingly dismissed.

C.V. BHADANG, J.